



## **West Coast Seafood Processors Association**

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*Serving the shore based seafood processing industry in  
California, Oregon and Washington*

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**STATEMENT OF ROD MOORE  
EXECUTIVE DIRECTOR, WEST COAST SEAFOOD PROCESSORS ASSOCIATION  
BEFORE THE HOUSE SUBCOMMITTEE ON FISHERIES CONSERVATION,  
WILDLIFE, AND OCEANS  
ON H.R. 4368  
SEPTEMBER 30, 2004**

Mr. Chairman, members of the Subcommittee, my name is Rod Moore and I serve as the Executive Director of the West Coast Seafood Processors Association. We are a non-profit business trade association headquartered in Portland, OR, that represents shore-based seafood processors and associated businesses in Oregon, Washington, and California. Some of our members also have facilities and operations in Alaska, Texas, Utah, and British Columbia.

I am also the Chairman of the Pacific Fishery Management Council's Groundfish Advisory Subpanel; President of Pacific Groundfish Conservation Trust, Inc. (PGCT), which is a non-profit science and education corporation; and from 1996 until this year have been a member of the U.S. Department of Commerce's Marine Fisheries Advisory Committee (MAFAC). Let me make clear that I am not representing the Council, PGCT, or MAFAC today; I include this information only to demonstrate that I have extensive interactions with the National Oceanic and Atmospheric Administration (NOAA) and especially the National Marine Fisheries Service (NMFS).

I have also dealt with 9 Directors of NMFS, plus a couple of acting directors; at least an equal number of Administrators of NOAA; and probably the same number of Directors of the U.S. Fish and Wildlife Service. I have lost count of how many Secretaries of the Interior and of Commerce have served during the years I have been involved with fisheries policy and management.

Your hearing on this bill comes at an appropriate time. Last week, the U.S. Commission on Ocean Policy transmitted its final report which, among other things, calls for changes in ocean governance including creating an organic act for NOAA and eventually establishing a cabinet-level Department of Natural Resources. Also last week, the Senate Commerce Committee marked up S. 2647, which would establish an organic act for NOAA but retain it within the Department of Commerce. Your committee has pending before it H.R. 984, which would again provide an organic act for NOAA while retaining the agency within the Department of Commerce. So I think we see a trend starting here; there appears to be agreement that - at a minimum - we need to codify NOAA.

But once we make NOAA a “real” federal agency, what do we do with it? In the past 27 years that I have been dealing with this agency, I have heard a lot of suggestions, some of which are best not shared in polite company. Here’s a brief tour through the history of “Where’s NOAA?” as best as I can remember it:

- \* 1969, the Stratton Commission recommends establishing an ocean agency, sort of the “wet” version of a Department of Natural Resources. The result was Reorganization Plan #4 of 1970, which transferred various functions to NOAA in the Department of Commerce. Several later Secretaries of the Interior made bids to at least return NMFS to the U.S. Fish and Wildlife Service, but were unsuccessful.
- \* 1977, President Carter advocated a new Department of Natural Resources, similar to the suggestion made yet again in the Commission on Ocean Policy report, which would include NOAA’s functions along with those of the Department of the Interior and the U.S. Forest Service. Upon its arrival in Congress, the proposal sank faster than a half-ounce lure in a salmon stream.
- \* 1980’s, and periodically thereafter, members of the commercial fishing industry advocated moving NOAA to the Department of Agriculture on the grounds that fish are harvested for food and thus should be combined into the nation’s food agency. In the

early 1990's, staff from the House Committee on Merchant Marine and Fisheries and the House Committee on Agriculture met informally to explore combining elements of NOAA into the Department of Agriculture; no formal action ever occurred.

There was also a suggestion that NOAA be moved into the Department of Defense to take advantage of funding possibilities and I once suggested that - given the number of lawsuits that were then pending against NOAA - we move the agency to the Department of Justice.

Perhaps the best thing to do at this point is to look at the alternatives and their costs and benefits. In each of these cases, I am taking as a given that an organic act for NOAA will be enacted so that we are dealing with a complete federal agency.

Status quo, NOAA stays in Commerce - Obviously, this is the simplest and most straightforward. We have no costs to the taxpayer that are inherent in moving any federal agency around. We have an existing chain of command, budget structure, and lines of jurisdiction within the Congress. No statutes would have to be amended to clarify that "Secretary" means something other than the Secretary of Commerce.

The disadvantage is that whatever problems people perceive to exist with NOAA remaining in the Department of Commerce will continue. I have never gotten a clear understanding of what those problems are, other than a feeling that the Secretary of Commerce ignores fisheries issues. I suggest that this can be a non-problem, depending on the Secretary of Commerce. I know several instances, in both Republican and Democratic administrations, where the Secretary was very supportive of NOAA. I know similar instances where the opposite was true.

NOAA becomes an independent agency - Under this proposal, NOAA is left to float alone, similar to the Environmental Protection Agency. There are some costs for changing stationery and logos. The budget structure within the Office of Management and Budget might have to be modified. There is no need to change Congressional jurisdiction. Several statutes would have to be amended. NOAA would lose the protections inherent in being part of a larger bureaucracy,

but could suffer less bureaucratic interference. Presumably, NOAA would be more accountable for its actions, because the chain of command would end at the Administrator of NOAA.

NOAA is moved to the Department of the Interior - Again, there would be costs to the taxpayers for the transfer. Numerous statutory changes would have to be made to change responsibilities for such things as all marine fisheries management and the National Marine Sanctuary Program to either the Secretary of the Interior or the Administrator of NOAA. Given the relative size of the Department of the Interior as compared to the Department of Commerce, NOAA would become even more of a non-entity in the bureaucratic maze. And to be fair, these same problems would apply if NOAA were transferred to the Department of Agriculture, as some commercial fishermen have advocated.

Speaking as a representative of the seafood industry on the Pacific Coast, the thought of the Secretary of the Interior managing marine resources terrifies me. While the U.S. Fish and Wildlife Service is relatively friendly towards hunters and recreational fishermen, the National Park Service isn't. I know that Congressman Young can relate to what happens if the National Park Service gets involved in fisheries - there's a 20 year history of conflict in Glacier Bay National Park that serves as a prime example.

I have heard recreational fishermen grumble that NOAA - somehow by virtue of being in the Department of Commerce - gives no attention to recreational fisheries needs. Anyone who says that has spent no time at all on the Pacific Coast, where recreational fishing is given the same amount of attention as commercial fishing, if not more. NMFS has embarked on a recreational fisheries strategic plan and is going to great pains to solicit recreational fishermen's ideas. There is a recreational fisheries office in the NMFS hierarchy, reporting to the Director; nothing similar exists for the commercial fisheries. Quite honestly, I have trouble understanding this argument.

Mr. Chairman, in looking at the costs and benefits, I am hard pressed to find any reason why you should abandon the status quo. Further, any decision to make changes, other than codifying NOAA through an organic act, should be considered in a holistic fashion, looking at the recommendations of the Commission on Ocean Policy report, and the President's responses which will be forthcoming. Given the complex nature of our government, simply picking up NOAA and moving it to another department of government is not a simple, easy, or cheap task.

Finally, let me make clear that just because I advocate the status quo does not mean that I think NOAA is an agency free of problems. On the Pacific coast, we have a National Marine Sanctuary program that is running wild and trying to take over fisheries jurisdiction along most of the California coast, including establishing marine reserves without much real input from recreational and commercial fishermen. We have a recent proposal - now being seriously considered in NOAA - to consolidate marine research, which could make it even harder to conduct the research we need in support of fisheries management. We have data-hungry fisheries management systems that are being operated with virtually no data. We have to borrow research vessels from Canada because there are no U.S. vessels available to conduct hydro-acoustic surveys.

These and similar problems are not a function of which Secretary the Administrator of NOAA reports to; they are a matter of funding, of agency priorities, and of the statutes under which NOAA operates. My recommendation to this subcommittee is that you spend some time in thoughtful deliberation on where NOAA best fits, but spend even more time on oversight of NOAA itself and most time on examining - and fixing - the statutory problems that bedevil all of us.

Again, Mr. Chairman, thank you for giving me the opportunity to present these views. I would be happy to answer any questions.